

1 FILED THE HONORABLE ROGER ROGOFF

2 2019 APR 09 11:33 AM

3 KING COUNTY

4 SUPERIOR COURT CLERK

5 E-FILED

6 CASE #: 19-2-08028-1 SEA

7 SUPERIOR COURT OF THE STATE OF WASHINGTON
8 IN AND FOR KING COUNTY

9 LINCOLN C. BEAUREGARD,

10 Plaintiff,

11 v.

12 WASHINGTON STATE BAR
13 ASSOCIATION, a statutorily created entity,

14 Defendant.

NO. 19-2-08028-1 SEA

**FOURTH DECLARATION OF
LINCOLN C. BEAUREGARD**

15 LINCOLN BEAUREGARD, being first duly sworn upon oath deposes and says

16 1. The primary point of this lawsuit is to force the BOG to act in the open and with
17 proper process. It has recently come to my attention that one BOG member, Paul Swegle,
18 recently informed his constituency, via mass email, that my lawsuit was akin to the "*screeching*
19 *antics of so many flying monkeys*":

20 ----- Forwarded Message -----

21 From: Paul S <pswegle@gmail.com<<mailto:pswegle@gmail.com>>>

22 Sent: Friday, April 5, 2019, 2:47:47 PM PDT

23 Subject: WSBA Update - wins and losses...

24 Views are my own.

25 Feel free to share.

26 Email me at pswegle@gmail.com<<mailto:pswegle@gmail.com>> to get on my
email list.

FOURTH DECLARATION OF LINCOLN C. BEAUREGARD - 1 of

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1 Happy Friday fellow WSBA Members!

2 ***

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4 * Shenanigans directed toward overturning the Board's proper decision
5 and processes terminating the prior Executive Director continue like the
6 screeching antics of so many flying monkeys.

7 * Most recently these include (i) a failing petition to reimpose the former
8 ED on the WSBA and (ii) a baseless lawsuit, Lincoln Beauregard v. WSBA,
9 filed by Steven Fogg of the Corr Cronin law firm - also to reimpose the former
10 ED on the WSBA.

11 * These types of anti-democratic, politically-driven efforts are to be
12 expected in the waning days of a ruthless, entrenched, self-serving political
13 machine. Justice and common sense will prevail.

14 * WSBA Members should think twice before ever sending any referrals to
15 the Corr Cronin firm given its role in this costly and counterproductive
16 nonsense, which is now wasting the Members' hard earned dues. As a former
17 friend of the firm, I am extremely disappointed.

18 * Upcoming Board Meetings:

19 * Special Meeting, Monday April 8 @4:00 - [https://www.wsba.org/news-
20 events/events-calendar/2019/04/08/default-calendar/board-of-governors-
21 special-meeting](https://www.wsba.org/news-events/events-calendar/2019/04/08/default-calendar/board-of-governors-special-meeting)

22 * Regular Meeting, May 16, 17 in Yakima - [https://www.wsba.org/news-
23 events/events-calendar/2019/05/16/default-calendar/board-of-governors-
24 meeting](https://www.wsba.org/news-events/events-calendar/2019/05/16/default-calendar/board-of-governors-meeting)

25 Have a great weekend everyone. Go M's!

26 Paul Swegle
Governor, Dist. 7N
Immediate Past Chair, Corporate Counsel Section
Washington State Bar Association

2. Governor Swegle also has pending amendments to the WSBA Bylaws which (1)
would eliminate the diversity focused members of the BOG, and (2) curtail the powers of the
Executive Directors, *see attached*. To the extent that any of Ms. Swegle's anti-diversity
inspirations were motivators underlying Ms. Littlewood's termination, I believe that the BOG

1 had a legal obligation under the Open Public Meetings and/or the Bylaws to discuss and
2 consider these matters openly. As the "*screeching...flying monkey*" referenced in Mr. Swegle's
3 email to his constituency, that is basically all which is being asked.
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5 **I declare under penalty of perjury under the laws of the State of Washington**
6 **that the foregoing is true and accurate to the best of my knowledge.**
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8 DATED this 9th day of April, 2019 at Seattle, WA.
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10 Lincoln C. Beauregard

11 Lincoln C. Beauregard
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Proposed Bylaw Amendments – At-Large Governor Elections (Art. VI)

These amendments are intended to achieve two goals:

1. Policy/Governance Transparency.
2. Enhance Member Influence in WSBA Governance.

This change does not affect the requirements for the At-Large positions but moves the election of the candidates to the general membership instead of the BoG. There is nothing about the makeup of the BoG that makes it more qualified than the membership at large to select the membership's representatives.

REDLINE PROPOSED BYLAW AMENDMENTS re: At-Large Governor Elections

VI. ELECTIONS

C. ELECTION OF GOVERNORS

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3. Election of At-Large Governors

~~At-large Governors are elected by the BOG as set forth below.~~ At-Large Governors shall be elected in the same manner as Governors from Congressional Districts, except that all Active members wherever they reside shall be eligible to cast a vote in each At-Large election. Candidates must meet the requirements for office of the specific At-large position they seek as outlined in §VI.A.2.

...

~~D. ELECTIONS BY BOARD OF GOVERNORS~~

~~1. At-Large Governors~~

~~The BOG will elect four additional Governors from the Active membership and two additional Governors from the public. The election of At-Large Governors will take place during a BOG meeting not later than the 38th week of each fiscal year and will be by secret written ballot.~~

~~a. The BOG will elect two At-Large Governors who are persons who, in the BOG's sole discretion, have the experience and knowledge of the needs of those lawyers whose membership is or may be historically under-represented in governance, or who represent some of the diverse elements of the public of the State of Washington, to the end that the BOG will be a more diverse and representative body than the results of the election of Governors based solely on Congressional Districts may allow. Underrepresentation and diversity may be based upon the discretionary determination of the BOG at the time of the election of any At-Large Governor to include, but not be limited to age, race, gender, sexual orientation, disability, geography, areas and types of practice, and years of membership, provided that no single factor will be determinative.~~

~~b. The BOG will elect one At-Large Governor from nominations made by the Young Lawyers Committee. The Young Lawyers Committee will nominate two~~

~~or more candidates who will be Young Lawyers as defined in Article XII of these Bylaws at the time of the election.~~

~~c. The BOG will elect one At Large Governor who is a LLLT or LPO from nominations made by the Nominations Committee.~~

~~d. The BOG will elect two At Large Governors who are members of the general public from nominations made by the Nominations Committee~~

... [THE REMAINDER OF SECTION D UNCHANGED]

Proposed Bylaw Amendments – Administration (Art. IV)

These amendments are intended to achieve two goals:

1. Policy/Governance Transparency.
2. Fiscal/Public Responsibility.

These changes affect Art. IV and the administration and oversight of the WSBA, and reduce costs, including: the right of governors to communicate with the membership; eliminating the Immediate Past President position; capping E.D. compensation; requiring Board of Governors approval for hiring or firing of GC or Chief Disciplinary Counsel; and putting a ten year term limit on the position of the E.D.

REDLINE PROPOSED BYLAW AMENDMENTS re: Administration

IV. GOVERNANCE

A. BOARD OF GOVERNORS

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2. Duties

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d. Each Governor is expected to engage with members about BOG actions and issues, and to convey member viewpoints to the Board. In representing a Congressional District, a Governor will at a minimum: (1) bring to the BOG the perspective, values and circumstances of her or his district to be applied in the best interests of all members, the public and the Bar; and (2) bring information to the members in the district that promotes appreciation of actions and issues affecting the membership as a whole, the public and the organization. To facilitate such Governor communications, at the request of any Governor representing a Congressional District, the staff of the WSBA shall transmit to the members of such Congressional District without delay any communications described in (2) above by the means requested by such Governor, whether electronic or physical mail, and without in any way altering such communications without the express permission of said Governor.

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B. OFFICERS OF THE BAR

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3. Immediate Past President (Eliminated)

~~The Immediate Past President performs such duties as may be assigned by the President or the BOG. The Immediate Past President will perform the duties of the President in the absence, inability, recusal, or refusal of the President, President-elect, and Treasurer to perform those duties. Among the duties specifically assigned to the Immediate Past President is to work on behalf of the BOG and the officers to ensure appropriate training and education of new BOG members and officers during their term.~~

~~The Immediate Past President is not a voting member of the BOG except when acting in the President's place at a meeting of the BOG and then only if the vote will affect the result.~~

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5. Executive Director

The Executive Director is the principal administrative officer of the Bar. The Executive Director is responsible for the day-to-day operations of the Bar including, without limitation: (1) hiring, managing and terminating Bar personnel, (2) negotiating and executing contracts, (3) communicating with Bar members, the judiciary, elected officials, and the community at large regarding Bar matters, (4) preparing an annual budget for the Budget and Audit Committee, (5) ensuring that the Bar's books are kept in proper order and are audited annually, (6) ensuring that the annual audited financial report is made available to all Active members, (7) collecting debts owed to the bar and assigning debts for collection as deemed appropriate, (8) acquiring, managing, and disposing of personal property related to the Bar's operations within the budget approved by the BOG, (9) attending all BOG meetings, (10) reporting to the BOG regarding Bar operations, (11) ensuring that minutes are made and kept of all BOG meetings, and (12) performing such other duties as the BOG may assign.

Notwithstanding the foregoing, the Executive Director shall not have the authority to hire or fire the General Counsel or the Chief Disciplinary Officer, which authority is reserved exclusively to the Board of Governors, acting by majority vote to take such actions. The Executive Director serves in an ex officio capacity and is not a voting member of the BOG. The Executive Director's total annual compensation may not exceed the then current total compensation paid to the Associate Supreme Court Justice of Washington.

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7. Vacancy

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b. The Executive Director is appointed by the BOG, serves at the direction of the BOG, and may be dismissed at any time by the BOG without cause by a majority vote of the entire BOG. If dismissed by the BOG, the Executive Director may, within 14 days of receipt of a notice terminating employment, file with the Supreme Court and serve on the President, a written request for review of the dismissal. If the Supreme Court finds that the dismissal of the Executive Director is based on the Executive Director's refusal to accede to a BOG directive to disregard or violate a Court order or rule, the Court may veto the dismissal and the Executive Director will be retained. No individual shall serve as Executive Director for more than ten years.